REMARKS/ARGUMENTS

A. STATUS OF THE CLAIMS

As a result of the present amendment claims 1-12, 14, 16, 22, 24, 25 and 31 are presented in the case for continued prosecution. Claims 13, 15, 17-21, 23 and 26-30 were previously withdrawn by the Examiner. It is noted that commonly-assigned USSN 10/066,306 has now matured into US Patent No. 6,774,116.

B. THE REJECTIONS UNDER 35 U.S.C. §112

The Examiner has taken the position that claims 1, 5-6, 9, 14, 24 and 31 are indefinite. Applicants urge that the currently presented claims are in proper form and that the rejections may be withdrawn. It is well settled that in order to reject a claim under the second paragraph of 35 USC 112, it is incumbent on the Examiner to establish that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims. See ***Ex parte Wu***, 10 USPQ 2d 2031, 2033 (B.P.A.I. 1989). In addition, ***North American Vaccine, Inc. v. American Cyanamid Co.***, 28 USPQ 2d 1333, 1339 (Fed. Cir. 1993), ***cert. denied***, 114 S. Ct. 1645 (1994) states the law is clear that "[i]f the claims, read in the light of the specification[s], reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the courts can demand no more." (emphasis added).

In the present case, Applicants respectfully assert that the Examiner has not made a proper *prima facie* case of indefiniteness. The required sufficiency of reasoning for the conclusions reached by the Examiner are not found in the Office Action. The undersigned sees no indication that the Examiner has read the claims in view of the specification nor acknowledged what those of ordinary skill readily understand. Reconsideration of each claim as a whole is therefore requested. It is noted that many of the terms rejected by the Examiner are terms which are well known and understood by those of ordinary skill, especially when they are part of claims which are 1) considered as a whole and 2) read in view of the specification.

The reason why Applicants have defined certain portions of the claimed compound as a "first" and a "second" moiety is so that they can be distinguished from one another. Applicants intended to describe moieties that are different from each other. In fact, if the adjectives employed by the Applicants were not used, it is possible that there would be confusion between the two. Applicants do not understand the Examiner's position concerning the alleged absent criteria concerning the first and second moieties. They are defined with respect to the claimed formula and described in detail in the specification. See, for example, page 11 for description of the A moieties and pages 14-16 for the description of the B moieties. See also page 11, lines 20 *et seq.* for the desription of the polymers.

Applicants further direct the Examiner to the claims of the aforementioned and commonly-assigned US 6,774,116. It can be seen that the same or similar descriptions were used for the terms A, B, polymer, active moiety, etc.

In order to expedite the prosecution of this application, Applicants have amended claims 5, 6 and 24 to change "comprises" to – includes --. It is believed that this fully addresses the concerns raised by the Examiner.

Applicants specifically traverse the Examiner's rejection of the use of the terms "electron donating or withdrawing groups. Such terms are well known to those of ordinary skill and Applicants are not required to give an exhaustive list of such groups when objective enablement has been provided.

Turning now to the issues raised with regard to claim 31, Applicants repeat the arguments set forth above to the extent necessary to address each of the terms previously rejected by the Examiner. Applicants respectfully disagree with the Examiner that specific structure is required for L_1. In addition to the description provided on pages 19 *et seq.* concerning the variable, Applicants respectfully point out that it is not necessary for them to describe what does not react with NHR_{22}. It is well settled that the claims do not embrace the inoperative.

It is respectfully submitted that Applicants have completely addressed each of the rejections made by the Examiner. It is urged that the claims are now in proper form and that all rejections under 35 USC §112 can be removed.

C. ALLOWABLE SUBJECT MATTER

Applicants note with appreciation the indication that claims 2-4, 7-8, 10-12, 16, 22 and 25 contain allowable subject matter. It is urged that all pending claims are patentable in view of the amendments and remarks submitted herein. It is further urged that claim 23, which depends from allowable claim 22, be rejoined as it merely provides a specific mAb found in the prior claim.

D. PROVISIONAL REQUEST FOR EXTENSION OF TIME

This response is being filed within the shortened statutory period for response. No further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to deposit account number 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

E. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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